



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 30 2004

Art Unit: 1772 )  
Examiner: Watkins III, William P. )  
Applicant(s): Sailer, Gottfried ) **ELECTION**  
Serial No.: 10/614,719 )  
Filing Date: 07/07/2003 )  
Title: Metal Profile Part and Method of Interconnecting )  
Metal Profiles )

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated November 23, 2004. Claims 1-3 are subject to a restriction and/or election requirement under 35 USC 121.

The Examiner contends that the application contains claims directed to the following patentably distinct inventions:

- I. Claim 1, drawn to a metal profile part, classified in class 428, subclass 139.
- II. Claims 2-3, drawn to a method of making a metal profile part with injection molding, classified in class 264, subclass 271.

Applicant hereby elects, with traverse, to continue prosecution for the group the Examiner has identified as Group I, claim 1, drawn to a metal profile part.

The Examiner contends that the product as claimed can be made by another and materially different process. Specifically, the Examiner states that the product as claimed could

be made by inserting plastic rivets in the openings of the channels and consolidating the profiles and plastic with ultrasonic vibration. Applicant respectfully disagrees and traverse the restriction.

Applicant contends that the product as claimed of a metal profile part cannot be made by another and materially different process because the product as claimed specifically sets forth the process of injection molding. That is, product claim 1 includes a metal profile part comprising: two or more superimposed metal profiles, the metal profiles comprising openings in an area of superimposed contacting surfaces; and the metal profiles being connected to each other by means of an injection molded plastic material through the openings. Therefore, the metal profile cannot be made by another material different process, such as inserting plastic rivets and consolidating the profiles and plastic with ultrasonic vibration, because the claim specifically calls for connecting the metal profiles by injection molded plastic through the openings.

Further, Applicant submits that the process as claimed cannot be used to make other and materially different products because the process as claimed by Applicant specifically sets forth the product limitation of "inserting metal profiles to be connected with each other into a tool such that openings provided in respective contacting surfaces of the metal profiles are lying on top of each other in a substantially congruent manner".

Therefore, it is respectfully submitted that all of the claims 1-3 and this patent application is in condition for examination on the merits, which is respectfully solicited. If the Examiner has any questions regarding this election with traverse or patent application, the Examiner is invited to contact the undersigned.

Appln. No. 10/614,719  
Election dated Dec. 27, 2004  
Response to Office Action of Nov. 23, 2004

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of the above fees associated with this Communication to Deposit Account No. 50-1759. A duplicate copy of this form is attached.

Respectfully submitted,



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Date: December 27, 2004

**Attorney Docket No. 22204-094420**